

Effective 7/1/2022

17-18a-506 Correctional facility telephone service contracts -- Approval by civil counsel -- Required rates.

- (1) As used in this section:
 - (a) "Civil counsel" means the attorney, as that term is defined in Section 17-18a-102, who is exercising the attorney's civil duties for the county.
 - (b) "Correctional facility" means the same as that term is defined in Section 77-16b-102.
 - (c) "Correctional facility telephone service" means a public telecommunications service provided to a correctional facility for inmate use.
 - (d) "Inmate" means an individual who is committed to the custody of or housed in a correctional facility.
 - (e) "Inmate telephone rate" means any amount a correctional facility or a service provider charges an inmate for use of a correctional facility telephone service, including each per-minute rate or surcharge for:
 - (i) a collect call, a prepaid phone card, or any other method by which a correctional facility allows an inmate to access a correctional facility telephone service; or
 - (ii) a local or a long-distance phone call.
 - (f) "Service provider" means a public entity or a private entity that provides a correctional facility telephone service.
- (2)
 - (a) A correctional facility shall consider the importance of inmate access to telephones in preserving family connections and reducing recidivism when proposing an inmate telephone rate in a new or renewed contract for correctional facility telephone service.
 - (b) A correctional facility or other state entity may not enter into or renew a contract for a correctional facility telephone service, unless the contract is approved by the civil counsel.
 - (c) To obtain approval of a contract described in Subsection (2)(b), a correctional facility or other state entity shall submit to the civil counsel:
 - (i) the proposed contract;
 - (ii) documentation that the correctional facility or other state entity has confirmed that:
 - (A) the provisions of the contract, other than the rates described in Subsection (3)(a), are consistent with correctional facility telephone service contracts throughout the state; and
 - (B) the contract provides for adequate services that meet the needs of the correctional facility; and
 - (iii) any additional information the civil counsel requires to analyze the contract.
- (3)
 - (a) The civil counsel shall review a contract and any additional information described in Subsection (2)(b) to determine whether:
 - (i) each inmate telephone rate for interstate calls provided in the contract exceeds the corresponding inmate telephone service monetary cap per-use rate established and published by the Federal Communications Commission; and
 - (ii) each inmate telephone rate for intrastate calls provided in the contract exceeds the greater of:
 - (A) 25% higher than the corresponding inmate telephone service monetary cap per-use rate established and published by the Federal Communications Commission; or
 - (B) the corresponding inmate telephone system rate established and published by the Utah Department of Corrections.
 - (b)

- (i) After receiving and reviewing the proposed contract and additional information, the civil counsel shall approve the contract if the proposed contract meets the requirements described in Subsection (3)(a).
- (ii) The civil counsel shall inform the correctional facility or other state entity of the civil counsel's determination.

Enacted by Chapter 142, 2021 General Session